

Remarks/Arguments

Claims 1-9 and 11-19 are now pending in this application. In the May 7, 2007 Office Action, Claims 1-9, 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Flanagan* (U.S. Patent No. 6,560,660) in view of *Graf* (U.S. Patent No. 6,317,798). Claims, 1, 3, 8, 9, 11, 13, and 19 have been amended. Claims 21 and 22 have been added, and no claims have been cancelled.

For the reasons set forth below, the applicant respectfully requests reconsideration and immediate allowance of this application.

Claim Objections

The May 7, 2007 Final Office Action objected to claims 9 and 19 for minor informalities. Claims 9 and 19 have been amended to correct these informalities. Withdrawal of the claim objections is respectfully requested.

Claim Rejections Under 35 U.S.C. §112

The May 7, 2007 Final Office Action rejected claims 3-8, and 13-18 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 3 and 13 have been amended to clarify the difference between a “first data,” which is sent by the server computer 104 to the device, and a “second data,” which is sent by the device to the UART.

The July 20, 2007 Advisory Action at page 2 alleges that “the section cited by applicant discloses data being transmitted over the enabled communications port, and the DTR terminal being toggled in the modem control register. The cited section does not disclose ‘data being transmitted to the device’ and the cited section does not disclose ‘data transmitted to the device toggling the DTR line in the modem control register’ – as alleged by the application.” The Advisory Action at pages 2-3 further alleges that “[t]here is nothing from the specification that would support ‘determining whether a receive buffer of the communications port contains data following the transmission of data on the communications port’ – without data being transmitted from the device connected to the communications port.”

The applicant respectfully directs the Office to the instant specification at page 11, lines 8-19 and the associated Figure 3, which describes a BIOS initialization process. At lines 9-10, “[a]t operation 310, data is transmitted over the enabled communications port.” This indicates that data (referred to in claims 3 and 13 as “first data”) is transmitted from the server computer 104 over the enabled communications port to the device connected to the enabled communications port, such as serial communications ports 1 and 2 illustrated in Figure 2. The specification at page 7, lines 1-6 describes that non-UART devices, such as the mouse 103 and the modem 105 of Figure 1, as well as UART devices may be connected to the communications port.

At lines 10-15, “according to one embodiment of the invention, the data terminal ready (“DTR”) line is toggled in the modem control register. ... If the device connected to the communications port is a non-UART device, such as a mouse, the device will respond to the toggling of the DTR line by sending data to the UART of the server computer 104.” This indicates that the DTR line is toggled in response to the first data being transmitted from the server computer 104 to the device connected to the enabled communications port. The toggling of the DTR line in the modem control register affects non-UART devices in a certain way. In particular, the non-UART device will send data (referred to in claims 3 and 13 as “second data”) to the UART, such as the UARTs 230A, 230B of Figure 2, in response to the toggling of the DTR line. The UART receives the second data in its receive buffer.

At lines 16-17, “a determination is made as to whether a receive buffer of the UART contains any data.” As previously noted, the receive buffer of the UART will receive the second data from the device connected to the enabled communications port if the device is a non-UART device. If the operation 312 determines that the receive buffer of the UART does not contain the second data (i.e., the device is a UART device), then the routine 300 proceeds to operation 312 to enable console redirection. If the operation 312 determines that the receive buffer of the UART contains the second data (i.e., the device is a non-UART device), then the routine 300 proceeds to operation 314 to disable console redirection. This addresses the statement in the instant specification at page 7, lines 4-6 that “if the server computer 104 is configured for console redirection on a communications port to which a mouse 103 or modem 105 is attached, problems may arise.”

In light of the above, withdrawal of the claim rejections under §112, first paragraph is respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a)

The May 7, 2007 final office action rejected claims 1-9, 11-19 under 35 U.S.C. §103(a) as being unpatentable over *Flanagin* in view of *Graf*. The applicant respectfully submits that the cited art do not, individually or combined, teach each and every recitation of amended independent claim 1.

Claim 1

Amended claim 1 recites, *inter alia*, “disabling the BIOS-provided console redirection feature prior to executing a BIOS power-on self test procedure.” *Flanagin* describes the execution of application programs run on the operating system. In *Flanagin*, the BIOS POST procedure is already completed since the operating system must be booted in order for it to execute the application programs. *Graf* does not cure the deficiencies of *Flanagin*. Indeed, *Graf* at col. 1, lines 34-38 discloses that the BIOS performs POST and boots the operating system.

Accordingly, *Flanagin* and *Graf*, individually or in combination, do not teach, suggest, or describe each and every element of amended independent claim 1. The applicant further submits that claims 2-9 and 21 are also patentable because they contain recitations not taught by *Flanagin* and *Graf* because these claims depend from an allowable independent claim. The applicant therefore submits that claims 1-9 and 21 are in condition for immediate allowance.

Claim 11

Amended claim 11 recites, *inter alia*, “during a BIOS initialization, determining whether a communications port has been enabled for utilization with a BIOS-provided console redirection feature.” *Flanagin* at col. 3, lines 26-32 describes the operating system accepting requests for use of a serial port and granting exclusive use of the serial port. The operations of the operating system are clearly after the BIOS initialization.

Amended claim 11 further recites, *inter alia*, “disabling the BIOS-provided console redirection feature prior to completing the BIOS initialization.” *Flanagin* describes the execution of application programs run on the operating system. As previously noted, in

Flanagin, the BIOS POST procedure is already completed since the operating system must be booted in order for it to execute the application programs. *Graf* does not cure the deficiencies of *Flanagin*.

Accordingly, *Flanagin* and *Graf*, individually or in combination, do not teach, suggest, or describe each and every element of amended independent claim 11. The applicant further submits that claims 12-19 and 22 are also patentable because they contain recitations not taught by *Flanagin* and *Graf* because these claims depend from an allowable independent claim. The applicant therefore submits that claims 11-19 and 22 are in condition for immediate allowance.

Claims 21

Claim 21 recites “in response to executing the BIOS power-on self test procedure, executing an operating system.” Claim 21 essentially specifies that the execution of the operating system follows the execution of the operation system. Claim 1, from which claim 21 depends, essentially specifies that the BIOS-provided console redirection feature is disabled prior to the execution of the BIOS POST procedure. As such, according to claims 1 and 21, the BIOS-provided console redirection is disabled before the operating system is executed.

The Final Office Action at page 4 alleges that the application programs described in *Flanagin* can include a console redirection application program. However, it is clear from the above that the BIOS-provided console redirection feature is disabled before the operating system is executed. As such, the BIOS-provided console redirection feature cannot be disabled by an application program executed on the operating system.

Accordingly, *Flanagin* and *Graf*, individually or in combination, do not teach, suggest, or describe each and every element of dependent claim 21. The applicant therefore submits that claim 21 is in condition for immediate allowance.

Claim 22

Claim 22 recites “executing an operating system following completing the BIOS initialization.” Claim 22 essentially specifies that the operating system is executed after the BIOS initialization is completed. Claim 11, from which claim 22 depends, essentially specifies that the BIOS-provided console redirection feature is disabled prior to the BIOS initialization

being completed. As such, according to claims 11 and 22, the BIOS-provided console redirection is disabled before the operating system is executed.

The Final Office Action at page 4 alleges that the application programs described in *Flanagin* can include a console redirection application program. However, it is clear from the above that the BIOS-provided console redirection feature is disabled before the operating system is executed. As such, the BIOS-provided console redirection feature cannot be disabled by an application program executed on the operating system.

Accordingly, *Flanagin and Graf*, individually or in combination, do not teach, suggest, or describe each and every element of dependent claim 22. The applicant therefore submits that claim 22 is in condition for immediate allowance.

Conclusion

In view of the foregoing amendment and remarks, the applicant respectfully submits that all of the pending claims in the present application are in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicant's undersigned attorney at the number below.

Respectfully submitted,

HOPE BALDAUFF HARTMAN, LLC

/Steven Koon Hon Wong/

Date: August 7, 2007

"Steven" Koon Hon Wong
Reg. No. 48,459

Hope Baldauff Hartman, LLC
1720 Peachtree Street, N.W.
Suite 1010
Atlanta, Georgia 30309
Telephone: 404.815.1900

53377
PATENT TRADEMARK OFFICE